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*Attorneys for Named Plaintiffs and the FLSA  
Collective Plaintiffs*

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X  
**ISAIAH GERAFINO, LENFORD  
JOHNSTON, SARA FAUST, SUKOL  
PHAIROJ, CHELSEA LINDMAN,  
VIRGINIA WORLEY, ROSALINA  
WALTER and THOMAS CAMPBELL on  
behalf of themselves and all others similarly  
situated,**

**INDEX NO: 07-cv-06729 (RJS)**

**Plaintiffs,**

**v.**

**JEAN-GEORGES ENTERPRISES, LLC;  
JEAN-GEORGES MANAGEMENT LLC;  
PERRY STREET PROJECT LLC;  
TRIOMPHE RESTAURANT CORP. d/b/a  
JEAN GEORGES RESTAURANT and  
NOUGATINE; ORIGINE LLC d/b/a JOJO  
RESTAURANT; SPICE MARKET LLC;  
LEONARD STREET LLC d/b/a/ 66  
RESTAURANT; JEAN-GEORGES  
VONGERICHTEN and JOHN DOES 1-10**

**Defendants.**

-----X

**DECLARATION OF MAIMON KIRSCHENBAUM**

I, Maimon Kirschenbaum, under penalty of perjury, affirm as follows:

1. I am an attorney at Joseph & Herzfeld LLP, plaintiffs' counsel in the above-captioned matter.

2. Since the initial filing of this lawsuit, which included 6 named plaintiffs, 27 additional employees have opted in to this lawsuit by filing opt-in forms with the Court.

3. Attached as Exhibit A is a copy of a nightly tip-out sheet reflecting which employees participated in the Jean-Georges tip-pool for a given night in 2003. Based on my discussions with the various declarants, the tip-out sheet accurately reflects the sheets used by Jean-Georges throughout the FLSA period.

I affirm, under penalty of perjury, that the above and foregoing information is true and correct.

Dated: New York, New York  
February 19, 2008

/s/ D. Maimon Kirschenbaum  
D. Maimon Kirschenbaum

## **EXHIBIT A**

JEAN GEORGES

DINING ROOM STATIONS

2003

DATE: 7/19 / 2003  
SHIFT: BK L D

| DATE: / / 2003 |         |       |     |        |       |     |            |       |     |        |       |     |     |    |
|----------------|---------|-------|-----|--------|-------|-----|------------|-------|-----|--------|-------|-----|-----|----|
| STN            | CAPTAIN | SHIFT | PTS | WAITER | SHIFT | PTS | BACKWAITER | SHIFT | PTS | RUNNER | SHIFT | PTS | PTS |    |
| J-G 1          | J.C     | CS    | 7   | TERRY  | CL    | 5   | CLAMAN     | CL    | 3   | SHIH   | CL    | 3   | 3.5 |    |
| J-G 2          | JOSE    | CL    | 7   | LEONAR | CL    | 5   | ALBERTO    | CL    | 3   | THOMAS | CL    | 3   | 3.5 |    |
| J-G 3          | ALIC    | CS    | 6   | RAFAEL | CL    | 5   | ALAN       | CL    | 3   | LOPEZ  | CL    | 3   | 3.5 |    |
| J-G 4          | JOHN    | CL    | 7   | WILSON | CL    | 5   | ALAN       | CL    | 3   | GOLAN  | CL    | 3   | 3.5 |    |
| Total          |         |       |     |        |       |     |            |       |     | 27     | Total |     |     | 12 |
| Total          |         |       |     |        |       |     |            |       |     | 20     | Total |     |     | 12 |

|            |         |
|------------|---------|
| TOTAL      | 5527.54 |
| Ch. Tips   |         |
| Less 2.85% | 157.53  |
| CC         |         |
| Sub        | 5370.00 |
| Total      |         |
| BAR        | 95.24   |
| Transf.    |         |
| SUB        | 5274.76 |
| Total      |         |
| BAR        | 263.73  |
| 5%         |         |
| SUB        | 5011.02 |
| Total      |         |
| CASH       | 644     |
| Tips       |         |
| TOTAL      | 5655.02 |
| POINTS     |         |
| Total      | 143     |
| POINT      | 39.54   |
| VALUE      |         |

CAPTAIN SIGNATURE

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| STN  | WAITER   | SHIFT | PTS   | BACKWAITER | SHIFT | PTS | RUNNER    | SHIFT | PTS |
|------|----------|-------|-------|------------|-------|-----|-----------|-------|-----|
| NG 1 | SARGIO   | CL    | 5     | FEUVE      | CL    | 2.5 | PRODO     | CL    | 3.5 |
| NG 2 | STEPHANE | CL    | 5     | JOSE       | CL    | 3   | JASON     | CL    | 2.5 |
| NG 3 | SHIH     | CL    | 5     | DANIEL     | CL    | 2.5 | LOPEZ     | CL    | 3.5 |
| NG 4 | THOMAS   | CL    | 5     | ALIK       | CL    | 3   | THOMAS    | CL    | 3.5 |
| NG 5 | WILSON   | CL    | 5     | SHIH       | CL    | 3   | JASON     | CL    | 3.5 |
|      |          |       | Total | 25         |       |     | COFFEE    |       |     |
|      |          |       |       |            |       |     | CAROLANNA |       |     |
|      |          |       |       |            | Total |     | 16.5      |       |     |